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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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EXAMINER

HENDRICKSON, S

ART UNIT

PAPER NUMBER

1754

DATE MAILED:

10/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

254316

Applicant(s)

Shaki

Examiner

J. Jackson

Group Art Unit

1254

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 8/9/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-3, 7-14 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-3, 7-14 is/are rejected.
- ☐ Claim(s) _____ is/are objected to:
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The request filed on 8/9/01 for a Continued Examination based on parent Application No. 09/254316 is acceptable and has been established.

Claims 1-3 and 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The materials of the group are graphitizable, and thus the term 'free ... treatment' is incorrect.

Claims 1-3, 7, 8, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu et al.

Liu teaches in column 5 graphite as an electrode in a lithium cell. The claims read upon graphite since 'for ... cell' is merely an intended use and does not actually limit the product. Similarly, 'capable of' and 'absorbs' are merely recitations of inherent properties of graphite and thus do not distinguish from graphite. Note also the teaching of polymer-on-graphite. The examiner takes Official Notice that the polymers of Liu are water-soluble. Example 2 teaches sodium and column 3 indicates the presence of Li in the graphite during use, the claimed amount being expected to occur.

Claims 1-3, 7, 8 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by the abstract of JP 09147916.

The abstract teaches Lithium in cellulose (or acrylic)-coated graphite.

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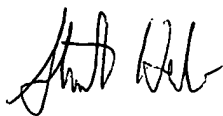
Claims 1, 2, 7, 8, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by the abstract of JP 9249407.

The abstract teaches Li intercalated in graphite, which is all that is claimed.

Applicant's arguments filed 8/9/01 have been fully considered but they are not persuasive.

The claims do not require the features argued- only that the material is *capable of* adsorbing the polymers. The non-graphitizable limitation added makes claim 1 inconsistent and appear to be closer to the disclosure of Liu; it is noted that the members of the group are essentially unchanged, however.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (703) 308-2539.



Stuart Hendrickson
examiner Art Unit 1754